

Community Study Series Learning Resources¹

Theme (2): Barrier-free Community

I. Related topics

【Independent Subject Mode】

Life and Society Curriculum Guide (Secondary 1-3) (2010)

Module	Topic	Learning Points
Core module (9): One World One Family 【Foundation part】	Appreciating Diversity of Values	<ul style="list-style-type: none">▪ Respect people of different classes and cultural background, and holding different traditions and values; understand the positive benefits brought by a pluralistic society▪ Proper attitudes of getting along with people from different background▪ Ways and considerations in expressing care to the needy
Core Module (21): Rights and Responsibilities of Citizens 【Foundation part】	Rights, Responsibilities and the Rule of Law	<ul style="list-style-type: none">▪ Different categories of Hong Kong residents▪ Rights and responsibilities applicable to Hong Kong residents▪ Protection of the rights of Hong Kong residents by major principles of the rule of law
Core Module (23): Upholding the Core Values of Our Society 【Extended part】	“Diversity & Inclusiveness”	<ul style="list-style-type: none">▪ Level of “diversity & inclusiveness” in Hong Kong▪ Ways and measures to safeguard and promote “diversity & inclusiveness▪ Importance of “diversity &

¹ The original design was developed by Mr CHAN Kwok-bong (Supervisor), Mr NG Sze-long (Centre-in-charge) and Mr WONG Kon-chi (Community Curriculum Development Officer) of the Boys' and Girls' Clubs Association of Hong Kong.

		inclusiveness” to the pursuit of fairness, freedom and liberty
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【Mixed Curriculum Organisation Mode – Integrated Curriculum】

Personal, Social and Humanities Key Learning Area Curriculum Guide (Primary 1 – Secondary 6) (2017)²

Core Elements/Essential Content for Learning in the PSHE KLA Curriculum	Key Stage 3	Strand 1: Personal and Social Development	<ul style="list-style-type: none"> • social skills for developing relationships and resolving conflicts with peers, family members and people of different backgrounds (e.g. ethnicity, race, religion)
		Strand 6: Social Systems and Citizenship	<ul style="list-style-type: none"> • local level <ul style="list-style-type: none"> - importance of the Basic Law - the identity, rights and responsibilities of citizens • cross-level <ul style="list-style-type: none"> - importance of justice - embodiment of diversity and inclusiveness

² If the mixed curriculum organisation mode has been adopted and an integrated curriculum (e.g. Integrated Humanities) has been offered at junior secondary level, schools should make reference to the Core Elements/Essential Content for Learning at Key Stage 3 in the *Personal, Social and Humanities Education Key Learning Area Curriculum Guide (Primary 1-Secondary 6) (2017)*.

II. Background information for students' reading

A. Related to the *International Convention on the Elimination of All Forms of Racial Discrimination*

International Convention on the Elimination of All Forms of Racial Discrimination

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

...

- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Source: Web page of the Constitutional and Mainland Affairs Bureau

Fourteenth to Seventeenth Reports of the People's Republic of China under the International Convention on the Elimination of All Forms of Racial Discrimination - Part Two : Hong Kong Special Administrative Region (2017)

Article 5

Article 5(f) - right of access to services

5.72 The position remains the same as explained in paragraph 160 of the initial report. That is, by virtue of Article 22 of the [Hong Kong Bill of Rights] all laws that regulate the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks, must not be discriminatory either in their terms or in their practical application. Additional safeguards have also been provided by the [Race Discrimination Ordinance] to ensure the right of access to services by ethnic minorities.

Source: Web page of the Constitutional and Mainland Affairs Bureau

B. Related to the *Convention on the Rights of Persons with Disabilities*

Convention on the Rights of Persons with Disabilities

Article 9 – Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
 - a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
 - b. Information, communications and other services, including electronic services and emergency services.

Article 19 – Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Source: Web page of the Labour and Welfare Bureau

Initial Report of the Hong Kong Special Administrative Region of the People's Republic of China under the United Nations Convention on the Rights of Persons with Disabilities (2018)

9.41 [Highways Department (HyD)] has made every effort to meet the needs of all road users, including persons with disabilities in the provision of public roads and associated facilities having regard to barrier-free access policy. As such, guidelines are published to remind its designers and planners that suitable provisions should be made in the design, construction and maintenance of public roads and associated facilities. For instance, to facilitate persons with disabilities to use pedestrian footbridge and subway, barrier-free facilities are provided for all new footbridges and subways either by provision of ramps or lifts, or an alternative at-grade crossing facilities in the vicinity.

9.42 Since 2001, HyD has commenced investigation into those footbridge and subway structures without access facilities for persons with disabilities in stages so as to confirm whether access facilities in the form of lifts or ramps need to be provided, and whether the retrofitting works are technically feasible. Various rehabilitation bodies have been consulted regarding the structures to be selected for investigation. After investigation, for those footbridges and subway structures where retrofitting is found feasible, works will be implemented in stages after priorities are set.

Source: Web page of the Labour and Welfare Bureau

A Barrier Free World Starts with Equality for All (2010-11)

Access buildings with greater ease

On the basis of equality for all, all people, regardless of their abilities, should be allowed to access any place freely and easily, and use all kinds of public facilities. We should take appropriate measures to ensure that building passageways and associated areas remain easily accessible, for example, by providing barrier-free passageways at main entrances, installing ramps and elevators where necessary, and ensuring hallway design meets suitable requirements. Main stairways should also be installed with properly fitted handrails and non-slip nosing in contrasting colour to allow persons with disabilities and the elderly to move safely and independently to all destinations.

Zero hassle from point to point

The world is full of novelties. With an accessible transport and road system, persons with disabilities can participate fully and freely in all aspects of life. Accessible facilities include items such as flap gates at railway stations, ramps and elevators at foot bridges, elevated walkway systems and pedestrian subways as well as low-floor buses to facilitate wheelchair users, the elderly and parents with baby strollers. Passenger information display systems should be installed at suitable locations to facilitate persons with hearing impairment, and tactile guide paths and next bus stop announcement system should be made available to facilitate persons with visual impairment.

A world of information without boundaries

Rapid advancements in technology, when suitably adapted, can significantly improve our quality of life. We encourage persons with disabilities to make the most of information and communications technologies. The websites of public and private organisations should also be designed with due consideration to the special needs of persons with disabilities when displaying information. A number of government-provided internet access points are now equipped with Chinese screen readers and Braille displays, helping persons with visual impairment to freely express their ideas and receive updates on social information. Currently, television channels provide subtitling on designated programmes and at designated time-slots to help persons with hearing impairment receive all kinds of life information.

Source: Labour and Welfare Bureau Leaflet

C. Related to idea of “Inclusive Design”

2016 Policy Address Building an Age-friendly Environment Publicity Leaflet (2016)

Enhancing Pedestrian Facilities – Improve Accessibility for the Elderly

- Hong Kong has many hillside buildings, and slopes and staircases are quite common. We plan to take forward the construction of three lift and pedestrian
- walkway systems in Tsing Yi, Kwai Chung and Kowloon City respectively. We will also build an elevated walkway in Tseung Kwan O and a footbridge in Tsuen Wan to provide convenient access for the elderly and other members of the public. We plan to commence the projects progressively starting the fourth quarter of this year.
- Covers will be provided on certain walkways connecting to public transport facilities so that the elderly and members of the public can walk under shelter without being exposed to the weather.
- The Government will invite the [District Councils] to nominate suitable walkways, and the works are expected to commence in phases starting from 2018.
- We will upgrade the barrier-free facilities at over 3 000 government premises.
- We will implement appropriate measures to further enhance accessibility for pedestrians and improve quality of life. Such measures include waiving the land premium for lease modification to encourage the private sector to take early actions to implement the planned pedestrian connection facilities, such as footbridges and subways. This will help create a safer walking environment to meet the needs of an ageing population. We will use Kowloon East as a pilot area for implementing this new policy.

Transport – Promoting an Active Lifestyle among the Elderly

- The “Hong Kong eTransport” provides one-stop point-to-point public transport route search service. To facilitate its use by the elderly, the Transport Department will enhance the system to provide voice recognition input and audio route search results output functions.
- The Government will offer subsidy to franchised bus companies for expediting the installation of display panels at suitable sheltered bus stops to facilitate access to real-time bus arrival information by waiting passengers (elderly passengers included). We expect to complete the installation of several hundreds of display panels within the first phase of around three years.

- The Government will offer subsidy to franchised bus companies for the installation of seats at bus stops for the convenience of elderly passengers and those in need. We expect that seats will be installed at over 1 000 suitable bus stops within the first phase of around three years.

Enhancement of Public Facilities

- providing additional chairs in existing public facilities such as markets
- and columbaria, and new lifts at markets. Further age-friendly facilities will be installed in existing public toilets, and the area of one of the water closet compartments in new public toilets will be enlarged to serve as a priority water closet compartment for the elderly where practicable;
- providing priority seats for the elderly in indoor facilities such as swimming pools and sports centres;
- installing additional elderly fitness equipment in outdoor leisure venues of the 18 districts; and
- enhancing the hardware facilities in public libraries to promote reading among the elderly, and providing equipment suited to the needs of elderly people (including seats and reading aids) in public libraries in phases starting late 2016.

Ageing in Place

- The concept of universal design has been adopted in all newly-built public rental housing (PRH) estates to create an environment in which people of different generations and with different physical abilities can live in harmony. Universal design facilitates “ageing in place” through the provision of comprehensive barrier-free facilities in residential buildings and flats as well as common areas. For example, building entrances, corridors and flat doors have been widened to 800 millimetres to give wheelchair users decent space to move around conveniently and safely. A sunken shower area and power sockets at one metre above floor level are provided in each of these residential flats. Such facilities facilitate the elders to continue living in the same flat even in their old age and when their mobility is compromised without the need to carry out any major modification.
- Facilities in old PRH units will be modified to meet the special needs of eligible elderly.
- Regarding public facilities, newly built PRH estates are equipped with specific barrier-free access connecting all residential blocks and major facilities in newly-built housing estates. There will be dropped kerbs at major junctions,

tactile guide connecting all residential blocks and major facilities in the estates, as well as handrails and non-slip floor tiles at suitable locations. In addition, recreational and leisure facilities such as Tai Chi area and fitness equipment will be provided to cater for the needs of the elderly.

- The Hong Kong Housing Authority (HA) plans to increase the provision of recreational facilities for the elderly such as fitness equipment, pavilions and benches, in about 100 PRH estates with a higher proportion of elderly residents; or to change the use or design of public space in these estates to meet the needs of tenants.
- Barrier-free facilities such as lifts will be installed at existing PRH estates, properties of HA and relevant walkways maintained by the Highways Department to facilitate access by the elderly and people in need.

Source: Designed by the Information Services Department of the Hong Kong Special Administrative Region Government and printed by the Government Logistics Department

Universal Accessibility: Best Practices and Guidelines (2004)

1.1.1 Hong Kong Profile

Hong Kong is a dynamic city and nothing remains static for long. This is true with our population status. According to the household survey conducted in 2003 by the Census and Statistics Department of HKSAR Government, the elderly population in Hong Kong is on the upward trend. The percentage of total population with the age of 65 and above in 2003 was 11.7% i.e. 369,300 people. The projected percentage of population aged 65 and over in mid 2031 is 24% and the aging population trend is also reflected by the median age of the population increasing from 37 in 2001 to 46 in 2031.

This, together with the survey result from a report on Persons with Disabilities and Chronic Diseases published in 2001 by the Census and Statistics Department, give a picture of the changing population profile in Hong Kong. The report estimated that the percentage of total population with disability, that is, restriction in body movement, visual impairment, hearing impairment, speech impairment, mental illness and/or autism is about 4.0% of the total population, or 269,500 persons.

The issue of disability is a degree of relativity to a fit and able-bodied adult in his lifetime. A fit person who has twisted his ankle or suffered from more serious injury

could be considered as temporarily disabled in some aspects. The temporary disablement implies that the person cannot negotiate steps and changes in level without crutches or even a wheelchair is required for access. An infant has to be taken care of by an adult who has to rely on an “assisted device” like a pram or pushchair. Some are dependent on assisted devices for a long period of their life e.g. a short sighted person has to rely on corrective glasses and as people get older, the visual impairment become more apparent. At the other end of the scale, there are ambulant people with disabilities and wheelchair users.

1.1.2 Accessibility in Hong Kong

In the past, the accessibility needs of the above sectors are sometimes overlooked, as most provisions tend to cater for the fit and able-bodied who are most mobile and vocal. If access to a facility is not barrier free, it would prohibit easy use. In this age of advance information and technology, we should strive to build a sustainable environment with facilities and services that facilitate universal accessibility.

In order to address the accessibility issues, various concepts and design principles have been developed and promoted under the umbrella of “Universal Design” and “Inclusion by Design”. Designers around the world have taken up the challenge and provided solutions to facilitate accessibility. For example, more thought is given to the design of automatic doorways and ramps to address various groups of users and to facilitate accessibility. Accessible toilet facilities are designed with baby safety seats, adult and child size fittings, and special support rails for the elderly and special support rails for the elderly and infirm.

Source: Web page of Architectural Services Department

III. Learning and Teaching Strategies

A. Pre-study Activities

- (i) Worksheet on “Score of Easy Mobility”

Setting off from home, select a route not shorter than 15 minutes (e.g. walking to a nearby MTR station / bus terminus / school). Record the following and indicate the score of easy mobility:

Start point of the route: _____ End point of the route: _____

Index of easy mobility	Remarks / other observations	Score of easy mobility [please color the star(s)]
Unobstructed access	Number of times crossing roads / traffic lights: _____ Number of times using footbridges/subways: _____	☆ ☆ ☆ ☆ ☆
Width	Average number of persons accommodated on a pedestrian crossing when lining up from one side to the other: _____	☆ ☆ ☆ ☆ ☆
Clear instructions	Pedestrian signs/maps?	☆ ☆ ☆ ☆ ☆
Safety of road surface	Road maintenance works / hidden road surface pitfalls?	☆ ☆ ☆ ☆ ☆
Personal safety	Crime / law and order?	☆ ☆ ☆ ☆ ☆
Traffic safety	Number of vehicles and speed / pedestrian crossing facilities?	☆ ☆ ☆ ☆ ☆
Level of cleanliness		☆ ☆ ☆ ☆ ☆

Attractiveness	Landscape / trees / ancillary facilities, e.g. seats?	☆ ☆ ☆ ☆ ☆
Barrier-free accessibility	Facilitating use by visually impaired persons / persons with disabilities / wheelchair users?	☆ ☆ ☆ ☆ ☆

(ii) Online reading and discussion

- Online reading: *Barrier-Free Access (BFA) Facilities: On Tai Estate* (February 2020), Hong Kong Housing Authority
<https://www.housingauthority.gov.hk/en/common/pdf/global-elements/estate-locator/OnTaiEstate-barrier-free-en.pdf>
- What barrier-free access facilities have been shown in the PDF file? Who will be benefited from the facilities?
- Based on your observations in the Worksheet on “Score of Easy Mobility”, do you think your community is barrier-free?

B. Community Study

Worksheet (1) A: Barrier-free Community Orienteering 【Indoor environment, e.g. malls, public facilities】

Regulations:

- Arrange the class in groups of 4 and each group is composed of three experiencers (with roles selected from the list of experiencer roles below) and one observer cum caregiver.

Experiencer:

- Playing the role of a physically handicapped person: wheelchair user or person using mobility aids (e.g. walking stick, walking frame)
 - Playing the role of a visually impaired person: wearing a blindfold and using a cane
 - Playing the role of a person with hearing impairment: wearing soundproof earphone/earplugs
 - Playing the role of an elderly person: wearing the elderly simulation suit (may be arranged with the help of relevant social enterprises³)
 - Playing the role of a person using a pram
 - Playing the role of a pregnant woman
- Work as a group. The observer cum caregiver should stay close to the experiencer in need but allow room for the experiencer to complete the task(s) by himself/herself as far as possible.
 - Teacher may assign two students to form a “Special Team” to complete the tasks as able-bodied persons. Compare with the disability groups in the time required to complete the task(s).

³ For example, Eldpathy (<https://www.eldpathy.hk/>).

(i) Field Study

Activities:

- 1 (a) Counting the number of persons:
(to be done by the observer cum caregiver)

	Number of persons
Wheelchair user/person using a mobility aid	
Visually impaired person	
Person with hearing impairment	
Elderly person	
Person using a pram	
Pregnant woman	

- (b) Taking photos/recording videos (from the perspective of an experiencer):

- the most troublesome obstacle that I found on the walkway
- the design that facilitated my use of the walkway
- the facility that I found most difficult to use
- the facility that helped me most effectively
- an instruction that catered for my needs

- (c) Finding special arrangement / assistance / facility (for the experiencer):
【If appropriate, take photos / record videos】

	Special arrangement / assistance / facility
Wheelchair user/person using a mobility aid	(take note of height and width of steps / difficulty using the steps)
Visually impaired person	(low vision or severely visually impaired person using a cane / accompanied by a guide dog)
Person with hearing impairment	(remedied by visual effects / sound amplification device / soundproof device)
Elderly person	(the need for mobility / rest)
Person using a pram	(the need for mobility / rest)
Pregnant woman	(the need for mobility / rest)

(d) Interviewing 10 persons near relevant facilities: (to be done by the “Special Team”)

Will you let the following persons have priority use of barrier-free lifts / toilets for the disabled?

	Yes	No
Wheelchair users/persons using mobility aids	<input type="checkbox"/>	<input type="checkbox"/>
Visually impaired persons	<input type="checkbox"/>	<input type="checkbox"/>
Persons with hearing impairment	<input type="checkbox"/>	<input type="checkbox"/>
Elderly persons	<input type="checkbox"/>	<input type="checkbox"/>
Persons using prams	<input type="checkbox"/>	<input type="checkbox"/>
Pregnant women	<input type="checkbox"/>	<input type="checkbox"/>

Worksheet (1) B: Barrier-free Community Orienteering 【Outdoor environment, e.g. school / nearby playground】

Regulations:

- Arrange the class in groups of 4 and each group will be composed of three experiencers (with roles selected from the list of experiencer roles below) and one observer cum caregiver:

Experiencer:

- Playing the role of a physically handicapped person: wheelchair user or person using a mobility aid (e.g. walking stick, walking frame)
 - Playing the role of a visually impaired person: wearing a blindfold and using a cane
 - Playing the role of a person with hearing impairment: wearing soundproof earphone/earplugs
 - Playing the role of an elderly person: wearing the elderly simulation suit (may be arranged with the help of relevant social enterprises)
 - Playing the role of a person using a pram
 - Playing the role of a pregnant woman
- Work as a group. The observer cum caregiver should stay close to the experiencer in need but allow room for the experiencer to complete the task(s) by himself/herself as far as possible.
 - Teacher may assign two students to form a “Special Team” to complete the tasks as able-bodied persons. Compare with the disability groups in the time required to complete the task(s).
 - Observe the traffic rules and must use the traffic lights, footbridges, subways or designated pedestrian crossings to cross the roads.

(i) Field Study

Activities:

- 1 (a) Counting the number of persons:
(to be done by the observer cum caregiver)

	Number of persons
Wheelchair user/person using a mobility aid	
Visually impaired person	
Person with hearing impairment	
Elderly person	
Person using a pram	
Pregnant woman	

- (b) Taking photos/recording videos (from the perspective of an experiencer):

- the most troublesome obstacle that I found on the walkway
- the design that facilitated my use of the walkway
- the facility that I found most difficult to use
- the facility that helped me most effectively
- an instruction that catered for my needs

- (c) Finding special arrangement / assistance / facility (for the experiencer):
【If appropriate, take photos / record videos】

	Special arrangement / assistance / facility
Wheelchair user/person using a mobility aid	(take note of height and width of steps / difficulty using the steps)
Visually impaired person	(low vision or severely visually impaired person using a cane / accompanied by a guide dog)
Person with hearing impairment	(remedied by visual effects / sound amplification device / soundproof device)
Elderly person	(the need for mobility / rest)
Person using a pram	(the need for mobility / rest)
Pregnant woman	(the need for mobility / rest)

(d) Interviewing 10 persons near relevant facilities: (to be done by the “Special Team”)

Will you let the following persons have priority use of barrier-free lifts / toilets for the disabled?

	Yes	No
Wheelchair users/persons using mobility aids	<input type="checkbox"/>	<input type="checkbox"/>
Visually impaired persons	<input type="checkbox"/>	<input type="checkbox"/>
Persons with hearing impairment	<input type="checkbox"/>	<input type="checkbox"/>
Elderly persons	<input type="checkbox"/>	<input type="checkbox"/>
Persons using prams	<input type="checkbox"/>	<input type="checkbox"/>
Pregnant women	<input type="checkbox"/>	<input type="checkbox"/>

(ii) Lesson Summary and Reflection

【according to the results of the field study】

- Display the photo of “the most troublesome obstacle found on the walkway” by each group
 - Vote for “the most troublesome obstacle found on the walkway” by the whole class
 - Suggest a remedy by each group
 - Vote for “the most creative remedy” by the whole class

- Display the photo of “the facility found to be most difficult to use” by each group
 - Vote for “the facility found to be most difficult to use” by the whole class
 - Suggest a remedy by each group
 - Vote for “the most effective and feasible remedy” by the whole class

- Total up the numbers of “yes” and “no” responses from the research on “allowing priority use of barrier-free lifts / toilets for the disabled” for each disability group/group in need
 - Find the group of persons most respondents agreed /disagreed that they should have “priority use of barrier-free lifts / toilets for the disabled” respectively.
 - What are the implications of the above findings?

- Why do we need to promote “diversity and inclusiveness”?

(iii) Extended Activities

Source 1: Access to premises

Part 1: “Barrier-free” access with barrier (2017)

【Sections 6 and 25 of *Disability Discrimination Ordinance*】

The Complainant, a wheelchair user, lodged a disability discrimination complaint against a supermarket. He said that there was a step at the main entrance of the supermarket and there was no ramp. Although a so called “barrier-free” access was provided on the other side, it was not possible for wheelchair users to go into the supermarket through the access independently because of two manual doors on the way which were usually closed and sometimes locked.

Part 2: Stopped by steps (2015)

【Sections 6 and 25 of *Disability Discrimination Ordinance*】

The Aggrieved Person (AP) was a 6-year-old wheelchair user. The entrance to the building where she and her family resided had a flight of five steps. AP’s father (APR), who represented her to lodge the complaint, pointed out that it was getting harder for his family to lift AP in wheelchair up and down the steps as she grew up, and AP’s safety would be at stake if they fell during the process. They explored with the building management for the improvement of the access, and were advised that it was neither feasible to construct a ramp nor provide a wheelchair lift due to physical constraints. They were advised to use the vehicular access in the car park instead. APR said it was dangerous to do so as there were no proper pedestrian walkways connecting the car park and the street.

Source: Equal Opportunities Commission – Conciliated Cases: Disability Discrimination Ordinance

(<https://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=settlement-ddo>)

1. According to Part 1 of Source 1, why is an entrance without steps not necessarily a barrier-free access?

-
2. With reference to the case in Part 2 of Source 1, try to suggest an interim measure and a long-term solution to assist the Aggrieved Person.

(i) interim measure:

(ii) long-term solution:

Source 2: Provision of goods, facilities or services

Part 1: Stroller not allowed in the restaurant (2014)

【Sections 5 and 19 of *Family Status Discrimination Ordinance*】

The Complainant (C) and her husband and their two year old child went to a restaurant. She asked for a table of two and informed the receptionist that she had a stroller together with her. She alleged that the receptionist immediately told her that it was the company policy that stroller was not allowed in the restaurant. The receptionist finally offered them seats, but required that the stroller be placed outside the restaurant. C said there should be enough space in the restaurant to place the stroller. She had dined in another branch of the same restaurant, and was allowed to place the stroller next to the table. She felt embarrassed and left without dining there.

Part 2: Refusing to open both wings of a bus door for a mother boarding with a pram (2010)

【Section 19 of *Family Status Discrimination Ordinance*】

The Complainant, a mother of a new-born baby, alleged that a bus driver of company refused to open both wings of the bus door to let her board the bus, despite the fact that she was carrying a baby with one hand and a pram with another. She claimed the width of only one wing of the door was too narrow for her to board the bus.

Source: Equal Opportunities Commission – Conciliated Cases: Family Status Discrimination

Ordinance

(<https://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=settlement-fsdo>)

3. With reference to Part 1 of Source 2, if you were the restaurant owner, how would you make improvements to avoid the occurrence of similar situations?

4. With reference to Part 2 of Source 2, if you were the person-in-charge of the bus company, how would you make improvements to avoid the occurrence of similar situations?

IV. Related articles of the Basic Law

The United Nations Human Rights Council conducts a Universal Periodic Review on the human rights situation of all member states of the United Nations. The HKSAR's report has been submitted to the United Nations as part of China's report. A total of 15 United Nations human rights treaties apply to Hong Kong. Seven entail a reporting requirement. Eight treaties that do not entail that requirement.

The treaties that entail a reporting requirement are:

- *International Covenant on Civil and Political Rights (ICCPR)* (provisions of the Covenant as applied to Hong Kong remain in force since 1 July 1997)
- *International Covenant on Economic, Social and Cultural Rights (ICESCR)* (provisions of the Covenant as applied to Hong Kong remain in force since 1 July 1997)
- *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)* (applicable to the HKSAR since 1 July 1997)
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)* (applicable to the HKSAR since 1 July 1997)
- *Convention on the Rights of the Child (CRC)* (applicable to the HKSAR since 1 July 1997)
- *Convention on the Elimination of All forms of Discrimination against Women (CEDAW)* (continue to be applicable to Hong Kong since 1 July 1997)
- *Convention on the Rights of Persons with Disabilities (CRPD)* (entered into force for the People's Republic of China, including HKSAR, since 31 August 2008)

Related articles of the *Basic Law*:

Basic Law

Article 39

The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region.

The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article.

Basic Law

Article 153

The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region.

International agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Special Administrative Region. The Central People's Government shall, as necessary, authorize or assist the government of the Region to make appropriate arrangements for the application to the Region of other relevant international agreements.

END